IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3445 OF 2005

The State of Maharashtra ...Applicant

vs.

Eknath Bapusaheb Raijadhav ...Respondent

Mr.A.S.Shitole, A.P.P.for the Applicant-State.

CORAM: A.S.OKA,J.
DATE : DECEMBER 4,2006.

P.C.:

1. Heard learned A.P.P. for the Applicant-State. The acquittal of the Respondent is for the offence under section 7(vi) read with section 2(i) punishable under section 16 of the Prevention of Food Adulteration Act, 1954.

2. The perusal of the Judgment of the learned Trial Judge shows that he has considered the entire oral and documentary evidence on record. He found that the Panch witness P.W.No.3 who was allegedly present at the time of drawing the sample did not support the prosecution. The learned Judge also found that the complainant has not prepared the notes of inspection as per the provisions of section 9 of the said Act of 1954. The learned Judge has also found that there was non compliance with Rule 16 (b) of the rules framed under the said Act of 1954. The learned Judge also noted that the complainant has not stated that he had cleaned and dried the pot in which the sample was collected on the spot. There was no evidence to

show that the bottles which were used for keeping the samples were cleaned and dried before collection of the samples. Apart from this fact, the report of the Public Analyst does not disclose the date on which the sample was analysed. Therefore, the learned Trial Judge has held that the prosecution has not established the guilt of the Respondent.

3. The view taken by the learned Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE